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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/613,374 Confirmation No. 7181  
Applicants : S. Datta et al.  
Filed : July 3, 2003  
TC/A.U. : 1711  
Examiner : Nathan M. Nutter  
  
Docket No. : 1998B037A/2  
Customer No. : 1473

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

New York, New York 10020  
July 22, 2004

**TRANSMITTAL LETTER**

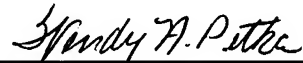
Sir:

On April 22, 2004, Applicants filed Requests for Interference with Stevens et al. application no. 10/289,122 (the "Stevens '122 application") and Tau et al. application no. 10/289,168 (the "Tau '168 application") in the above-identified application. Transmitted herewith are (1) a proposed Interference Initial Memorandum Form PTO-850 for the requested interference between the Stevens '122 application and Datta et al. application no. 10/613,374 and (2) a proposed Interference Initial Memorandum Form PTO-850 for the requested interference between the Tau '168 application and Datta et al. application no. 10/613,374.

The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the papers transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075.

A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



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Form PTO-850-(Rev. 11-28-2000)

## INTERFERENCE INITIAL MEMORANDUM

Count # \_\_\_\_\_

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY <u>Exxon Mobil Chemical Patents</u>	APPLICATION NO. <u>10/613,374</u>	FILING DATE <u>July 3, 2003</u>	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? Yes <input type="checkbox"/> No <input type="checkbox"/> Not due yet _____				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
<u>USA</u>	<u>09/342,854</u>	<u>June 29, 1999</u>	<u>6,642,316</u>	<u>Nov. 4, 2003</u>
<u>USA</u>	<u>09/108,467</u>	<u>July 1, 1998</u>		
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>32-38</u>			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>39-48</u>			UNPATENTABLE PENDING CLAIMS	
PARTY <u>The Dow Chemical Co.</u>	APPLICATION NO. <u>10/289,122</u>	FILING DATE <u>Nov. 5, 2002</u>	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? Yes <input type="checkbox"/> No <input type="checkbox"/> Not due yet _____				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
<u>USA</u>	<u>60/378,203</u>	<u>May 5, 2002</u>		
<u>USA</u>	<u>60/338,881</u>	<u>Nov. 6, 2001</u>		
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>1-25</u>			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS			UNPATENTABLE PENDING CLAIMS	
(Check off each step, if applicable) INSTRUCTIONS				
<input type="checkbox"/> 1. Obtain all files listed above. <input type="checkbox"/> 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). <input type="checkbox"/> 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b). <input type="checkbox"/> 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)). <input type="checkbox"/> 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.				
DATE	PRIMARY EXAMINER (signature)		ART UNIT	TELEPHONE NO.
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)			TELEPHONE NO.

Page \_\_\_\_ of \_\_\_\_

## COUNT 1

### *ExxonMobil (Datta et al.) Claim 32*

A polymer blend comprising (i) a crystalline polypropylene continuous phase having a weight average molecular weight, and (ii) an at least partially crystalline copolymer dispersed phase having a weight average molecular weight lower than the weight average molecular weight of the crystalline polypropylene continuous phase, the dispersed phase comprising propylene and ethylene and/or one or more unsaturated comonomers, the dispersed phase prepared using a metallocene catalyst.

OR

### *Dow (Stevens et al.) Claim 1*

An impact-resistant polymer blend comprising (i) a crystalline polypropylene matrix having a weight average molecular weight, and (ii) an at least partially crystalline copolymer impact modifier having a molecular weight lower than the weight average molecular weight of the crystalline polypropylene matrix, the impact modifier comprising propylene and ethylene and/or one or more unsaturated comonomers, the modifier prepared using a metallocene catalyst or a nonmetallocene, metal-centered, heteroaryl ligand catalyst.



## MANUAL OF PATENT EXAMINING PROCEDURE

Form PTO-850-(Rev. 11-28-2000)

## INTERFERENCE INITIAL MEMORANDUM

Count # \_\_\_\_\_

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY <u>ExxonMobil Chemical Patents</u>	APPLICATION NO. <u>10/613,374</u>	FILING DATE <u>July 3, 2003</u>	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? Yes <input type="checkbox"/> No <input type="checkbox"/> Not due yet _____				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
<u>USA</u>	<u>09/342,854</u>	<u>June 29, 1999</u>	<u>6,642,316</u>	<u>Nov. 4, 2003</u>
<u>USA</u>	<u>09/108,467</u>	<u>July 1, 1998</u>		
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>39-48</u>			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>32-38</u>			UNPATENTABLE PENDING CLAIMS	
PARTY <u>The Dow Chemical Co.</u>	APPLICATION NO. <u>10/289,168</u>	FILING DATE <u>Nov. 5, 2002</u>	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? Yes <input type="checkbox"/> No <input type="checkbox"/> Not due yet _____				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
<u>USA</u>	<u>60/338,881</u>	<u>Nov. 6, 2001</u>		
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>1-16, 20, 21, 30-36</u>			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS			UNPATENTABLE PENDING CLAIMS	
(Check off each step, if applicable) INSTRUCTIONS				
<input type="checkbox"/> 1. Obtain all files listed above. <input type="checkbox"/> 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). <input type="checkbox"/> 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b). <input type="checkbox"/> 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)). <input type="checkbox"/> 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.				
DATE	PRIMARY EXAMINER (signature)		ART UNIT	TELEPHONE NO.
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)			TELEPHONE NO.

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## COUNT 1

### *ExxonMobil (Datta et al.) Claim 39*

A film made from a polymer blend comprising at least one polymer (A) and at least one polymer (B), polymer (A) comprising about 5 to about 99 weight percent of the blend, and polymer (A) comprising a copolymer of about 96 to about 88 weight percent of propylene derived units and about 4 to about 11.6 weight percent of ethylene derived units, and polymer (A) is further characterized as having an X-ray diffraction pattern that exhibits more gamma-form crystals than a copolymer comparable in all respects except that it is prepared with a Ziegler-Natta catalyst, and polymer (B) comprising a thermoplastic polymer other than polymer (A).

OR

### *Dow (Tau et al.) Claim 16*

A film having at least one layer made from a polymer blend comprising at least one polymer (A) and at least one polymer (B), polymer (A) comprising at least 50 weight percent of the blend, and polymer (A) comprising at least about 60 weight percent of units derived from propylene and at least about 4 weight percent of units derived from a comonomer selected from the group consisting of ethylene and an unsaturated monomer other than ethylene, and polymer (A) is further characterized as having at least one of the following properties: (i)  $^{13}\text{C}$  NMR peaks corresponding to a regio-error at about 14.6 and about 15.7 ppm, the peaks of about equal intensity, (ii) a DSC curve with a  $T_{\text{me}}$  that

remains essentially the same and a  $T_{\max}$  that shifts to the left as the amount of comonomer in the copolymer is increased, and (iii) an X-ray diffraction pattern that exhibits more gamma-form crystals than a copolymer comparable in all respects except that it is prepared with a Ziegler-Natta catalyst, and polymer (B) comprising a thermoplastic polymer other than polymer (A).